

UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
DETROIT DIVISION

FILED (1)

In Re:

§

Case No. 11-67105-PJS

2011 OCT 24 P 12:42

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BLUE WATER EMBEDDED, INC.

§

Chapter 7

U.S. DISTRICT COURT  
E.D. MICHIGAN-DETROIT

§

DEBTOR.

§

**NOTICE OF APPEARANCE AND REQUEST FOR SERVICE OF PAPERS**

PLEASE TAKE NOTICE that the undersigned hereby appears as counsel for SWELL SOFTWARE, LLC ("Swell"), and pursuant to Federal Rules of Bankruptcy Procedure 2002, 3017(a), 9007, 9010 and 11 U.S.C. § 1109(b), requests that copies of any and all notices, pleadings, motions, orders to show cause, applications, presentments, petitions, memoranda, affidavits, declarations and orders, or other documents, filed or entered in this case, be transmitted to:

Berry D. Spears  
Adam T. Schramek  
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PLEASE TAKE FURTHER NOTICE that neither this Request for Notice nor any subsequent appearances, pleadings, claims, proofs of claim, documents, suits, motions nor any other writings or conduct, shall constitute a waiver of Swell's:


- a. right to have any and all final orders in any and all non-core matters entered only after *de novo* review by a United States District Court;
- b. right to trial by jury in any proceeding as to any and all matters so triable herein, whether or not the same be designated legal or private right, or in any case, controversy or proceeding related hereto, notwithstanding the designation *vel non* of such matters as "core proceedings" pursuant to 28 U.S.C. Section 157 (b) (2) (H), and whether or not such jury trial right is pursuant to statute or the United States Constitution;
- c. right to have the reference of this matter withdrawn by the United States District Court in any matter or proceeding subject to mandatory or discretionary withdrawal; and

d. other rights, claims, actions, defenses, setoffs, recoupments or other matters to which Swell is rightly entitled under any agreements or at law or in equity or under the United States Constitution.

All of the above rights are expressly reserved and preserved unto Swell without exception and with no purpose of confessing or conceding jurisdiction in any way by this filing or by any other participation in these matters.

Dated: October 21, 2011

FULBRIGHT & JAWORSKI L.L.P.

By:   
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ATTORNEYS FOR SWELL SOFTWARE, LLC

**CERTIFICATE OF SERVICE**

I certify that, on the 21st day of October, 2011, a true and correct copy of the foregoing Notice was served upon the following counsel, via First Class United States Mail:

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Adam T. Schramek